

THE HONORABLE ROBERT S. LASNIK

05-CV-00723-CERT

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JUN 23 2005

MR

AT SEATTLE
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPT. 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TEGIC COMMUNICATIONS
CORPORATION,

Plaintiff,

v.

BOARD OF REGENTS OF THE
UNIVERSITY OF TEXAS SYSTEM,

Defendant.

No. C-05-723 RSL

**PRAECIPE FOR TEGIC
COMMUNICATION'S MOTION FOR
RELIEF FROM DEADLINE FOR
FILING ITS OPPOSITION ON
MONDAY, JUNE 27, 2005 AND
MOTION TO FILE OVER-LENGTH
BRIEF**

**NOTE ON MOTION CALENDAR
FOR JUNE 22, 2005 AND FOR JULY
1, 2005**

Plaintiff Tegic Communications ("Tegic") submits this praecipe to make a correction to the noting date for one of its two pending motions filed yesterday and to emphasize the appropriateness of some relief. The pending motions and prior request will determine whether Tegic must file its brief this coming Monday, June 27, 2005 in opposition to the dismissal motion (or whether the brief should be filed on Monday, July 18, 2005) and what the permissible length of the brief will be.

After filing a motion to dismiss, Defendant filed a motion to stay discovery pending a ruling on its dismissal motion. The motion to stay was noted for hearing earlier this week on

Praecipe for Tegic's Mot. for Relief from Deadline and for
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121052.0001/1210987.1

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ORIGINAL


Monday, June 20. In opposition to the motion to stay, Tegic filed a pleading¹ that also asked for a two-week postponement of the hearing for the dismissal motion that is now noted for July 1. Defendant would not agree to any postponement.

Yesterday, after Defendant's refusal to grant any postponement, Defendant's inability to make its two witnesses who signed the declarations supporting the dismissal motion available to be deposed next week, and the looming holiday weekend, Tegic decided to ask for a three-week postponement. Consequentially, Tegic has filed a new motion for relief from deadline and asks for a three-week postponement. The hearing for the dismissal motion would be postponed from July 1 to July 22, 2005.

Tegic mistakenly noted its new motion for a three-week postponement for hearing seven calendar days after filing instead of seven judicial days after filing, as required by the Local Rule. Tegic corrects this mistake by renoting the motion for hearing on July 1 instead of on June 29. However, by either date the motion will probably be moot. With the abolition of motions to shorten time, Tegic will have no remedy unless the Court grants its request for a three-week postponement of the hearing date on the dismissal motion, which was filed yesterday.

DATED: June 23, 2005.

LANE POWELL PC

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¹ Opp'n to Def.'s Mot. to Stay Disc. or Continue Initial Scheduling Dates and Alternative Request to Expedite Disc. on Issues Raised By Def.'s Mot. to Dismiss at 3:1-4 (June 15, 2005).

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